

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL NO. 3:02CR195-1

UNITED STATES OF AMERICA)
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JOHN CHARLES BARKLEY)

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ORDER

THIS MATTER is before the Court on the Defendant's application for a certificate of appealability pursuant to 28 U.S.C. § 2255.

Because the Defendant has never filed a motion pursuant to § 2255, this application is moot.

IT IS, THEREFORE, ORDERED that the Defendant's application for a certificate of appealability is hereby **DENIED**.

Signed: July 5, 2005

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

